

### **REMARKS**

Claims 1-4, 8,10,11 and 12 have been amended. Claims 5-7 and 9 have been cancelled. Claim 4 has been rewritten in independent form and claim 12 has been rewritten in dependent form depending from claim 11.

A copy of EP 0852301 has been included for consideration by Examiner. EP 0852301 was listed on a previously submitted IDS but a copy of the patent was not received by Examiner. Applicant does not believe that a petition or fee is required. However, if a petition and fee are required, please consider this a petition to consider the enclosed patent and charge all fees to Carlson Gaskey Olds, P.C. Deposit account No. 50-1482.

Paragraph 17 has been amended to describe reference numeral 34 as a fastener. No new matter has been added to the specification.

Claims 1-7 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Halasy-Wimmer et al (5829557). Claim 1, has been amended to include the limitation that the second end is unguided so as to permit the force transmission device to pivot transverse an axis about the first end in the absence of further restraint at the second end. Claim 11 requires that a force transmission device be unguided intermediate the first and second ends.

Halasy-Wimmer et al teaches a threaded spindle (14) received within a threaded nut (11) having a radial expansion portion (15). The nut (11) supports substantially the entire length of the threaded spindle (14) such that the threaded spindle (14) is not able to pivot relative to the nut (11). Further, the nut (11) is prevented from pivoting by a cross roller bearing (16) and cylinder rollers (19).

Additionally, a transmission plate (24) identified by Examiner as the "second end" is attached to, and therefore guided by, a torsion retainer pin (25) received within a backing plate of friction lining (4) (Please see Figure 2, and Col 4, lines 1-10). Accordingly, Halasy-Wimmer et al does not teach the limitations of permitting pivoting transverse to an axis as is required by amended claim 1 or of being unguided intermediate a first end and a second end. For these reasons Applicant requests withdrawal of the rejection to claims 1 and 11.

Claim 4 has been rewritten to include the limitations previously presented in claims 5-7, and 9 and requires a cooperating formation between the housing and the tappet to prevent relative rotation between the housing and an element of the tappet when in the retracted position. Halasy-Wimmer et al does not includes a structure that prevents relative rotation between the tappet and

the housing. In fact, Halasy-Wimmer et al includes the cross roller bearing (16) and cylinder rollers (19) to provide for relative rotation of a tappet relative to a housing (Please see Figure 1). Accordingly, Halasy-Wimmer et al. cannot meet the limitations required by claim 4. Applicant requests withdrawal of the rejection to claim 4.

Claims 1, 4-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Angerfors (6,269,914). The office action identified actuating means (9) as a "second end". Reference numeral (9) clearly points to the entire actuating means (9) and not to any specific end. The office action also stated that there is nothing but a bellows proximate the "second end", however as is shown in Figure 2 each end is supported and guided. Therefore, Angerfors '914 does not meet the limitation of an unguided second end as is required by claim 1.

Additionally, Angerfors '914 includes a gear wheel (20) solidly fixed to a tappet section (16). An extension 25 within the tappet section remains fixed due to a non-circular shaft 30 that is rigidly mounted on end (31). Further, the tappet section (16) slides within a bore (15) that includes a thickness that prevents tilting from an axis. The tappet section (16) is supported by the bore (15) and gear wheel (20) and the extension (25) is supported by the tappet section (16) and rod (30) to prevent any non-axial movement. Accordingly, Angerfors '914 does not meet the requirements of claims 1 and 11.

Regarding Claim 4, Angerfors '914 does not include a shaft with an end formation for engagement with a friction element to restrict rotation. In Angerfors '914 rotation is prevented by the shaft (30) that is mounted on an end (31) to a pressure plate (21). Angerfors '914 does not include any features on the friction element for preventing rotation, and therefore does not anticipate claim 4.

Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Angerfors (6073732). Angerfors '732 includes coupling members (37, 38) disposed within guiding grooves (27, 28) (Figure 1, Col 4, lines 35-40). The end (21) fits within a head (21) that in turn accepts the coupling members (37,39). The coupling members (37,38) are in contact with guiding surfaces (35,36) and therefore provide a guiding function. Accordingly, the Angerfors '732 device includes a second end that is guided and therefore cannot meet the limitation of claim 1. Further, Angerfors '732 includes a screw (14) received within a piston (46) that slides within a bore (47) and cannot pivot. Accordingly, because the Angerfors '732 device includes a guided second end, Angerfors '732 cannot meet the limitations of amended claims 1 and 11.

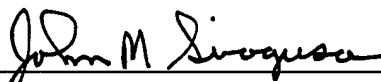
Regarding claim 4, Angerfors '732 includes a head (21) to prevent rotational movement from being transferred from the screw (14) to the brake pad (5). Accordingly, the screw (14) rotates relative to the brake pad (5) and is not held in place as is required by claim 4. Accordingly, claim 4 is not anticipated by Angerfors '732.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halasy-Wimmer et al (5829557) in view of Angerfors (6073732). Claim 8 depends ultimately from now allowable claim 1. Accordingly, claim 8 is also allowable.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**



John M. Siragusa  
Registration No. 46,174  
400 West Maple Road, Suite 350  
Birmingham, Michigan 48009  
Telephone: (248) 988-8360  
Facsimile: (248) 988-8363

Dated: December 28, 2004